

# **EXHIBIT 12**

Hunters Capital, LLC v. City of Seattle

30(b)(6) Thomas Mahaffey

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

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HUNTERS CAPITAL, LLC, et al.,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 20-cv-00983-TSZ
	)	
CITY OF SEATTLE,	)	
	)	
Defendant.	)	

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VIDEOTAPED VIDEOCONFERENCE 30(b)(6) DEPOSITION  
UPON ORAL EXAMINATION OF  
CITY OF SEATTLE  
(THOMAS MAHAFFEY)

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Seattle, Washington

(All participants appeared via videoconference.)

DATE TAKEN: JANUARY 26, 2022

REPORTED BY: CINDY M. KOCH, RPR, CRR, CCR #2357

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1 don't recall any specific guidance that was given,  
2 just -- this was a situation we'd never faced before, so  
3 I think we were trying to determine appropriate  
4 guidelines as responses as we're going on, based on what  
5 was occurring on the ground.

6 Q. You mentioned armed people at some barricades.  
7 Can you describe to me a little bit more about what you  
8 meant about armed people?

9 MR. CRAMER: Objection. Form.

10 A. Yeah, I meant -- specifically, I recall early  
11 on, we're talking about the first days particular stand  
12 out in my mind of June 8th, of the event was being  
13 livestreamed on video that I and others were watching in  
14 our operations center, and they showed people armed with  
15 assault weapons on the first night, the 8th, at certain  
16 intersections.

17 Then the following morning, I got a briefing  
18 from Captain Sano and Sergeant Geoghagan about walking  
19 back to the precinct, trying to determine what the  
20 situation was, and they were -- had conversation with  
21 several people that were armed with handguns.

22 BY MR. WEAVER:

23 Q. And you mentioned the operations center. Where  
24 is the operations center located?

25 A. It's located in the West Precinct, which is in

1 area.

2 Q. Okay. So the directive -- was the directive  
3 for them not to respond to 911 calls unless they met  
4 certain criteria?

5 A. No, that wasn't the overall direction. I just  
6 wanted them to be thoughtful about that area, what the  
7 potential implications were for them and their safety,  
8 that they witnessed the area before going into it.  
9 That's what was behind this directive.

10 Q. Do you know whether, during the period of  
11 June 8th to June 30, 2020, in the area that was  
12 designated the red zone, any officer responded within  
13 the red zone to a call that was not what is defined here  
14 as a mass casualty event?

15 MR. CRAMER: Objection. Form.

16 A. Yes. There were responses into the red zone to  
17 other than the mass casualty event.

18 BY MR. WEAVER:

19 Q. What were those?

20 A. I remember at least one shooting where officers  
21 went in. They formulated a plan and the team met with a  
22 supervisor, took the direction that was on here, and  
23 went in to respond. That's a specific example that  
24 sticks out in my mind.

25 Q. Okay. So I think we need to get into the

1 definition of what a mass casualty event is. What's  
2 your understanding of a mass -- what a mass casualty  
3 event is?

4 MR. CRAMER: Objection. Form.

5 A. To me, I would define it as an event where you  
6 have more than one person that has been injured or  
7 potentially killed.

8 BY MR. WEAVER:

9 Q. Okay. In the shooting you were talking about,  
10 do you know whether there were multiple individuals  
11 shot?

12 A. There was just one shot that -- the incident  
13 that I was recalling.

14 Q. All right. So let me ask whether any of the  
15 following were considered a mass casualty event in  
16 the -- in the meaning of this directive that was sent  
17 out.

18 Would rape be considered a mass casualty event?

19 MR. CRAMER: Objection. Form.

20 Are you talking about as related to the term  
21 used in this paragraph, or generally the term "mass  
22 casualty event"?

23 MR. WEAVER: As used in this -- in this  
24 document and subsequent documents, but I'm asking about  
25 this document first.

1 A. Would rape be considered a mass casualty event?

2 BY MR. WEAVER:

3 Q. Yes.

4 A. No.

5 Q. How about assault?

6 A. Potentially. Depends on the amount of victims,  
7 but I think -- I mean, we -- we clarified this wording  
8 later on, and also during briefings with people. I  
9 think maybe the wording used here is unfortunate, and I  
10 think we came to recognize that.

11 So the idea is not that we were not responding;  
12 that we're giving examples of when officers would go in  
13 more immediately than at other times. That's what the  
14 idea behind this -- this concept was.

15 Q. Okay. Well, is it your understanding that an  
16 assault would be a mass casualty event as it's used in  
17 this document?

18 A. If it endangered a significant amount of  
19 people, yes, it would be.

20 Q. Okay. How about a one-on-one person  
21 interaction where there was an assault that didn't  
22 involve a firearm? Would that be considered a mass  
23 casualty event?

24 MR. CRAMER: Objection. Form.

25 THE COURT REPORTER: This is the court

1 reporter. I'm sorry. Did you say that didn't involve a  
2 firearm?

3 MR. WEAVER: Didn't involve a firearm, yep.

4 THE COURT REPORTER: Okay. Thank you.

5 MR. CRAMER: Same -- form.

6 A. In the context of this, no. And again, I would  
7 want the officers to not not respond, to consider a plan  
8 before responding to that type of event, based on all  
9 the factors that they had to deal with during this time.

10 BY MR. WEAVER:

11 Q. How about kidnapping? Would that be a mass  
12 casualty event?

13 MR. CRAMER: Same objection.

14 A. No. But again, it would not be something we  
15 wouldn't respond to. We'd just want to have a  
16 considered and thoughtful response to it.

17 BY MR. WEAVER:

18 Q. How about a firing of a weapon where nobody was  
19 hit? Would that be a mass casualty event?

20 MR. CRAMER: Same objection.

21 A. No, it wouldn't.

22 BY MR. WEAVER:

23 Q. How about property damage? Would that be a  
24 mass casualty event?

25 MR. CRAMER: Form.

1 A. Property destruction, no. Not unless it was  
2 putting somebody's -- or many people's lives in danger  
3 potentially.

4 BY MR. WEAVER:

5 Q. Okay. How about fires that were not structural  
6 fires? Would those be considered a mass casualty event?

7 MR. CRAMER: Same objection.

8 A. Potentially, if it was endangering or -- a  
9 significant amount of lives, if there were injuries  
10 associated with it, potentially, yes.

11 BY MR. WEAVER:

12 Q. Okay. How about a loud disagreement involving  
13 a large group of individuals carrying rifles, but not  
14 firing them? Would that be considered a mass casualty  
15 event?

16 MR. CRAMER: Objection. Form.

17 A. No. But again, it would still require  
18 consideration of how we're going to respond to that,  
19 based on what the dynamics of the situation were and  
20 what we were learning about it.

21 BY MR. WEAVER:

22 Q. So I'd like to ask you about the next sentence  
23 in red zone. If responding to a mass casualty event --  
24 incident, sorry -- within the red zone, all responding  
25 officers should muster with a supervisor outside that



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1 when the wording was changed.

2 BY MR. WEAVER:

3 Q. Can you -- so earlier you mentioned that there  
4 were times that there were shootings that the police  
5 responded to in the red zone during the period of  
6 June 8th to June 30th of 2020.

7 Do you know of any other instances, other than  
8 shootings, where the Seattle Police Department responded  
9 within the red zone to a 911 call?

10 A. Other than --

11 MR. CRAMER: Objection. Form.

12 A. Other than the one shooting I mentioned?

13 BY MR. WEAVER:

14 Q. Yes.

15 A. I remember one other shooting that I actually  
16 went to, was later in June, that was on 12th Avenue, by  
17 the East Precinct.

18 Q. Can you think of anything, other than a crime  
19 involving a shooting, in which the Seattle Police  
20 Department responded inside the red zone during that  
21 time period?

22 MR. CRAMER: Objection. Form. Outside the  
23 scope of the 30(b)(6).

24 You can answer.

25 A. Okay. I know we responded to incidents. Not

1 that I can think of specifically offhand.

2 MR. WEAVER: I'm going to drop Exhibit 4  
3 into the chat.

4 (Exhibit No. 4 marked.)

5 BY MR. WEAVER:

6 Q. Do you recognize this document?

7 A. It's just downloading. Give me a moment.

8 Q. Okay. Yep.

9 A. It's an action plan for June 24th --

10 Q. Yes.

11 A. -- 2020.

12 Q. So I don't think I asked before, but how was  
13 the incident action plan distributed to the police  
14 force?

15 A. They were published and then our general  
16 practice is that they will distribute them to the people  
17 that are in command for the day, and then there are  
18 other copies available in the operations center as well.

19 Q. Okay. While I'm still thinking about it, if  
20 you could tell me, for Exhibit 2, what's your  
21 understanding of who received that document?

22 A. That was sent out in an email, but I'm -- I'm  
23 looking at who it's sent -- a sent line. I don't see  
24 one, so I -- I don't know who it was distributed to via  
25 email. Like, was it a wide distribution, or was it

1 feelings and animosity towards Seattle police officers  
2 at that time that was particularly concentrated in that  
3 area of the city.

4 Officers were going to seemingly routine calls  
5 and being accosted by people seeking confrontation even  
6 in routine situations. So again, in just working  
7 through some of these unprecedented circumstances that  
8 were dealt with, again, officer safety being the most --  
9 the thing that was most foremost on my mind during this  
10 period, we determined that this was the best course of  
11 action to take.

12 Q. Okay. So within the Edward Sector, but outside  
13 the red zone, were there cases in which there might be a  
14 mass casualty event or a critical life safety emergency,  
15 that it would be appropriate under your directive for  
16 officers not to respond?

17 MR. CRAMER: Objection. Form. Calls for  
18 speculation.

19 A. No. But again, depending on the criticality of  
20 the incident, I want them to formulate a thoughtful and  
21 considered response before going in, again, to ensure  
22 their safety, de-escalate, minimize the potential use of  
23 force, and keep the public safe.

24 BY MR. WEAVER:

25 Q. So when you indicate that it was -- you were

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1 messaging issue or confusion internally or externally."

2 Do you see that?

3 A. Yes.

4 Q. Do you remember asking for that, for any  
5 clarification they wanted?

6 A. Reading this email, that -- now it's bringing  
7 up I did ask that, yes.

8 Q. Do you recall whether either Chief Best or  
9 Officer Fisher indicated that your policy should be  
10 altered or clarified in any way?

11 A. I don't specifically, no.

12 Q. And you also indicate down below that,  
13 "Depending" -- you were going to talk with  
14 representatives from the City's department involved in  
15 barricade removal, and that, "Depending on how that  
16 operation went, I may be able to adjust the current  
17 response protocol to the area."

18 Do you recall whether the -- you adjusted the  
19 current response protocol to the area after barricade  
20 removal?

21 A. It wasn't adjusted because the barricades -- if  
22 this is still June 12th, my recollection, the  
23 barricades -- or June 16th, excuse me, the barricades  
24 were not removed. So protocols were not adjusted.

25 Q. So the protocols were not adjusted until all

1 the barricades were removed on the morning of July 1,  
2 2020; is that right?

3 MR. CRAMER: Objection. Form.

4 A. To the best of my recollection, that's correct.

5 MR. WEAVER: We've been going an hour. I  
6 don't know if you want to take a break or -- Shane,  
7 or --

8 MR. CRAMER: Yeah, that works.

9 MR. WEAVER: Okay.

10 MR. CRAMER: Come back in ten?

11 THE VIDEOGRAPHER: Going off the record at  
12 10:01.

13 (Recess from 10:01 a.m. to 10:11 a.m.)

14 THE VIDEOGRAPHER: We are back on the record  
15 at 10:11.

16 E X A M I N A T I O N (Continuing)

17 BY MR. WEAVER:

18 Q. So do you recall an incident involving a  
19 business called Car Tender on, I believe it was,  
20 June 14, 2020?

21 A. I don't.

22 MR. WEAVER: I'm going to pull something up  
23 here, in case you're wondering.

24 THE WITNESS: Okay.

25 (Exhibit No. 6 marked.)

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1 MR. CRAMER: Object to form.

2 BY MR. WEAVER:

3 Q. -- from the June 8th to June 11th time period?

4 MR. CRAMER: Asked and answered.

5 A. No. We actually had some officers go in on the  
6 9th. There were some other times that we went in it as  
7 well. We were kind of just determining that that was  
8 the most appropriate way to do that, expecting people to  
9 use their best judgment based on the particular  
10 circumstances of the event that had been brought to our  
11 attention.

12 BY MR. WEAVER:

13 Q. So the officers who went in on the 9th, who  
14 were they and what were they doing?

15 A. I talked about that earlier. That was  
16 Captain Sano and Sergeant Geoghagan that went in on the  
17 morning of the 9th to kind of determine what the actual  
18 situation was within the area and what -- again,  
19 providing us with some information on what the  
20 circumstances were at the time that we were dealing  
21 with.

22 Q. Okay. So were they responding to a 911 call or  
23 a report of a crime?

24 A. No, not in that particular instance.

25 Q. Okay. Do you know of any officers who

1 MR. CRAMER: Can we go off for one minute?  
2 There was a note in the chat from the videographer that  
3 I want to deal with.

4 MR. WEAVER: Oh, yeah.

5 THE VIDEOGRAPHER: Going off the video at  
6 11:45.

7 (Discussion off the record.)

8 THE VIDEOGRAPHER: Back on the record at  
9 11:46.

10 BY MR. WEAVER:

11 Q. Do you recall when you first learned that at  
12 least some people had declared an area around the East  
13 Precinct to be an autonomous zone?

14 A. My recollection, hearing those words,  
15 autonomous zone, were the next morning, when I got the  
16 report from Captain Sano, so the morning of June 9th.

17 Q. And forgive me for not remembering. Was  
18 Captain Sano one of the officers that went down to look  
19 and see what was going on that morning?

20 A. Correct.

21 Q. What else did he report to you on the morning  
22 of June 9th, if you recall?

23 A. Well, my recollection is, he met with a couple  
24 of people that -- that there didn't really seem to be a  
25 leader present, and I think they mentioned the person's

1 name who was the leader. I think it was Raz Simone, who  
2 would be back later that night. That's kind of a  
3 summary of what I remember that he reported to us.

4 Q. What do you know or recall about Raz Simone?

5 A. The night of the 8th -- he drove a very  
6 distinctive car. He had a white Tesla.  
7 African-American male. He showed up that night. I  
8 believe it was that first night, there was a video of  
9 him armed and talking about and distributing firearms.

10 Q. What do you recall seeing about -- seeing with  
11 Mr. Simone distributing firearms?

12 A. My recollection is him taking a firearm out of  
13 his car, talking to somebody about it, and hand- -- and  
14 handing it to them.

15 Q. What kind of firearm was it, if you recall?

16 A. My memory is that it was a -- that they were  
17 talking about a rifle, but I don't remember if he  
18 actually handed him a rifle or not. I don't recall the  
19 kind of specifics of that.

20 Q. Do you recall whether it was one gun or more  
21 than one gun?

22 A. My recollection is, it was just one.

23 Q. Do you recall seeing on any other -- any of the  
24 other live feeds distribution of -- distribution of  
25 weapons on June 8th or June 9th?



1 A. I don't.

2 Q. So when was the decision -- well, who made the  
3 decision to not try to reenter the precinct on the night  
4 of June 8th or the morning of June 9th?

5 MR. CRAMER: Objection. Form.

6 A. I don't know if it's a particular person.  
7 Certainly June 8th, the determination was made, the --  
8 the crowd was peaceful. They weren't taking any  
9 specific action against the precinct, so the decision  
10 was made to let that play out.

11 That's what -- my direction, when I went home,  
12 to Captain Sano, who was in command overnight, to make  
13 an effort to go back in the following morning to kind of  
14 determine what the -- the situation was, and if it was  
15 safe and feasible to do so.

16 BY MR. WEAVER:

17 Q. So on the morning of June 9th, did you make the  
18 decision not to move personnel and materials back into  
19 the East Precinct?

20 A. No. We got the report from Captain Sano, and  
21 then we started meeting internally about, you know, what  
22 our next steps were going to be. So if there wasn't a  
23 specific decision, other than Captain Sano said, okay,  
24 here's -- you know, very early in the morning, here's  
25 what we've encountered, here's what's going on, and then

1 I took that information back to the chief and others on  
2 the command staff and started discussing what our next  
3 plans would be.

4 Q. Okay. Tell me as much as you can about those  
5 discussions that you had with the chief and other  
6 personnel about the next steps to take.

7 A. Well, it was collaborative effort, and  
8 ultimately the decision was going to be left to the  
9 chief. And my preference was to gather as much  
10 information as we could, determine if it was viable for  
11 us to move back in immediately, and then formulate a  
12 plan to sustain us being back in there, knowing that  
13 there would probably be pushback from crowds again that  
14 night on the precinct, so how were we going to sustain  
15 it if we got back -- back into the building.

16 So that's kind of what was at the forefront of  
17 my mind, that's what we talked about. And I think it  
18 was the chief -- don't remember specifically, but I  
19 think it was, you know, going to be in consultation with  
20 the executive branch, to start determining the next  
21 steps forward.

22 Q. So by the "executive branch," you mean the  
23 mayor's office; is that correct?

24 A. Yes.

25 Q. Okay. Were you involved with discussions

1 BY MR. WEAVER:

2 Q. During these meetings of the group that we  
3 talked about, or with Julie Kline specifically, do you  
4 recall having discussions about whether the police  
5 department could or should return to the East Precinct?

6 MR. CRAMER: Objection. Form. Vague.

7 A. Yes, I'm sure that came up.

8 BY MR. WEAVER:

9 Q. What was your personal opinion about whether  
10 the police department should attempt to reoccupy the  
11 East Precinct in June of 2020?

12 MR. CRAMER: Objection. Vague as to time.

13 A. I was committed to getting us back in the  
14 building as soon as it was practical, safe, feasible,  
15 and something that we could sustain without having to  
16 get back into the tempo or the situation that we were in  
17 earlier the month -- earlier in the month.

18 That's the way I thought about it. Getting  
19 back in may have been feasible at some point, but there  
20 certainly would have been a force component, I think,  
21 associated with that in the early days.

22 And then as we saw, when we went back with  
23 Chief Best on June 11th, the sustainment was going to be  
24 something we'd have to spend time thinking through.

25 ////

1 BY MR. WEAVER:

2 Q. What happened on June 11th that you're  
3 referring to?

4 A. I believe that's the correct date. Chief Best  
5 and some -- myself and some other officers went back up  
6 to the precinct. We were able to go inside, inspect the  
7 building, make sure that it hadn't been broken into,  
8 nothing had been damaged or taken.

9 I think the thought is that we would remain  
10 there. We'd put some resources in the building, but  
11 then there was an attempt -- there was a fire lit out --  
12 outside of the building that made the officers feel  
13 unsafe.

14 They left, unfortunately, without notifying  
15 anybody until the next morning. And so then we didn't  
16 have any more resources in there, so again, it was the  
17 sustainment piece that was going to be difficult once  
18 we'd lost that foothold.

19 Q. Okay. I just want to make sure I understood --  
20 understood what you said. So on June 11th, you went  
21 in -- and I think it was June 11th, but -- on June 11th  
22 or thereabouts, you went -- you went into the precinct  
23 with Chief Best and some other officers, with the goal  
24 of leaving some people manned at the precinct; is that  
25 correct?

1 A. That's accurate, yes.

2 Q. And those officers left sometime thereafter  
3 because they were concerned for their safety; is that  
4 right?

5 A. Yeah. A different team of officers actually  
6 came in late -- later in the afternoon or early evening  
7 and replaced those -- myself and others that had already  
8 been there throughout the day.

9 And then after midnight the next day, let's say  
10 that was the 12th, that's when an incident occurred that  
11 caused them to leave the building.

12 Q. Okay. Were there other attempts to move  
13 personnel back into the East Precinct prior to July 1,  
14 2020?

15 MR. CRAMER: Objection. Form.

16 A. Not -- no, not like that, that we just talked  
17 about, or there were no other efforts that I recall that  
18 were made after that initial one.

19 BY MR. WEAVER:

20 Q. Okay. I want to go back to the discussions  
21 that we talked about earlier on June 8th, and I think --  
22 am I correct that you were having discussions between  
23 you and some of your subordinate officers about whether  
24 to evacuate personnel from the East Precinct? Is that  
25 correct?

C E R T I F I C A T E

STATE OF WASHINGTON

COUNTY OF PIERCE

I, Cindy M. Koch, a Certified Court Reporter in  
and for the State of Washington, do hereby certify that  
the foregoing transcript of the deposition of Thomas  
Mahaffey, having been duly sworn, on January 26, 2022,  
is true and accurate to the best of my knowledge, skill  
and ability.

IN WITNESS WHEREOF, I have hereunto set my hand  
and seal this 2nd day of February, 2022.



My commission expires:

JUNE 9, 2022